

STATE OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS

**TITLE 16. BOARD OF BARBERING AND COSMETOLOGY**

**NOTICE OF PROPOSED RULEMAKING**

NOTICE IS HEREBY GIVEN that the Board of Barbering and Cosmetology (hereinafter referred to as "The Board") is proposing to take the action described in the Informative Digest after considering all comments, objections and recommendations.

The Board has not scheduled a hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under the contact person in this Notice, must be received by the Board at its office no later than 5:00 p.m. on March 21, 2011. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

**Authority and Reference**

Pursuant to the authority vested by Section 7312 of the Business and Professions Code and Section 1719 of the Civil Code; and to implement, interpret or make specific Section 6157 of the Government Code, the Board is considering changes to Division 9 of Title 16 of the California Code of Regulations as follows:

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Amend Section 999

Section 7312 of the Business and Professions Code; Section 1719 of the Civil Code; and Section 6157 of the Government Code authorize the Board to charge a dishonored check fee of up to \$25 for a personal check that is returned without payment, provided the fee is reasonable and doesn't exceed the actual cost of processing the check. This proposed regulation would change the current \$10 fee charged by the Board to the fee amount set by the California Department of Consumer Affairs, which currently stands at \$25.

**Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State**

None

**Nondiscretionary Costs/Savings to Local Agencies**

None

**Local Mandate**

None

**Cost to Any Local Agency or School District for Which Government Code Sections 17500-17630 Require Reimbursement**

None

**Business Impact**

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

**Impact on Jobs/New Businesses**

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California

**Cost Impact on Representative Private Person or Business**

The cost impact that a representative private person or business would incur because of the proposed action depends upon their compliance with the Board's regulation, but is not expected to be significant.

**Effect on Housing Costs**

None

**EFFECT ON SMALL BUSINESS**

This proposal would have no effect on a small business establishment licensed by the Board unless that establishment wrote a check to the Board with insufficient funds to cover that check.

**CONSIDERATION OF ALTERNATIVES**

The Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

**INITIAL STATEMENT OF REASONS AND INFORMATION**

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

**TEXT OF PROPOSAL**

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board of Barbering and Cosmetology at 2420 Del Paso Rd., Suite 100, Sacramento, CA 95834.

**AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file

which is available for public inspection by contacting the person named below. You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.

### **CONTACT PERSON**

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

#### **Contact Person:**

Name: Kevin Flanagan  
Address: 2420 Del Paso Rd., Suite 100  
Sacramento, CA. 95834  
Telephone: (916) 575 – 7100  
Fax: (916) 575 – 7281  
Email  
Address: Kevin.Flanagan@dca.ca.gov

#### **Backup Contact Person:**

Name: Kari Frank  
Address: 2420 Del Paso Rd., Suite 100  
Sacramento, CA. 95834  
Telephone: (916) 575 - 7100  
Fax: (916) 575 - 7281  
Email  
Address: Kari.Frank@dca.ca.gov

### **Web Site Access**

Materials regarding this proposal can be found at [www.barbercosmo.ca.gov](http://www.barbercosmo.ca.gov)